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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/658,391	09/08/2000	Yoshito Nihira	KAM1-BM48	3462

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SNELL & WILMER LLP  
1920 MAIN STREET  
SUITE 1200  
IRVINE, CA 92614-7230

EXAMINER

NGUYEN, KIMNHUNG T

ART UNIT	PAPER NUMBER
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2674

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DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/658,391

Applicant(s)

NIHIRA ET AL.

Examiner

Kimnhung Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 25 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

This Application has been examined. The claims 1-30 are pending. The examination results are as following.

#### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki (US patent 6,196,848).

Regarding claims 1 and 9, Yamazaki disclose in figures 5A and 6, a magnetophoretic display panel comprising a magnetic panel comprising a magnetic panel (10) including a pair of substrates (12a, 12b) at least one of which is transparent and a multi-cell structure (see figure 5B) which is sealedly arranged between said substrates and formed with an interior space; and multi-cell structure including a number of cells (16) each of which contains therein a colored liquid and colored magnetic particles having a color tone different from that of said colored liquid (see figure 1 and 5B, see column 4, lines 46-51); a magnetic recording member (22) provided on an end thereof with a magnet, which member is adapted to be slidably moved on a surface of said magnetic panel to form a display on said surface of said magnetic panel (10) due to magnetophoresis of said magnetic particles in each of said cells (16, figure 5B); and an magnetic erasure member (24) arranged at a bottom of said magnetic panel so as to be moved along said bottom of

said magnetic panel, to thereby erase the display on said surface of said magnetic panel due to magnetophoresis of said magnetic particles in each of said cells; said magnetic recording member (22); and wherein each of said colored liquids comprises titanium oxide, silicon oxide. However, Yamazaki do not disclose the arranged between said substrate and formed with an interior space of a thickness of 0.8 to 1.5mm, said magnetic recording member exhibiting an effective magnetic flux density of 100-300 Gauss; the magnetic recording member exhibiting an effective magnetic flux density of 100 to 500 Gauss or 300 to 1500. From the claims above, it would have been obvious for Yamazaki's system to have the magnetic recording member exhibiting an effective magnetic flux density of 100 to 500 Gauss or 300 to 1500 as claimed since such a modification would have involved a mere change in the range of a system. A change in range is generally recognized as being within the level of ordinary skill in the art, absent unexpected results.

See In re Rose, 105 USPQ 237 (CCPA 1995)

and In re Reven, 156 USPQ 679 (CCPA 1968).

Regarding claims 2-8, and 10-30, Yamazaki discloses a magnetophoretic display panel comprising a magnetic panel comprising a magnetic panel (10) including a pair of substrates (12a, 12b) at least one of which is transparent and a multi-cell structure (see figure 5B) as discussed above; and wherein an inherent each of said colored liquids comprises titanium oxide, silicon oxide (see column 5, lines 20-28). However, Yamazaki do not disclose the colored magnetic particles exhibit a magnetization of 8.0 emu/g or

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more when the colored magnetic particles exhibit a magnetization of 200 Oe; each of cells of said magnetic panel contains 80 to 90 wt % of said colored liquid and 10 to 20 Wt% of said colored magnetic particles; and the liquid mixture or colored liquids has a viscosity of 200 to 800 cp at 25 degrees C.

From the claims 2-8, 10-30 above, it would have been obvious for Yamazaki's system to have the colored magnetic particles exhibit a magnetization of 8.0 emu/g or more when a magnetic field of 200 Oe; each of cells of said magnetic panel contains 80 to 90 wt % of said colored liquid and 10 to 20 Wt% of said colored magnetic particles; and the liquid mixture or colored liquids has a viscosity of 200 to 800 cp at 25 degrees C as claimed since such a modification would have involved a mere change in the range of a system. A change in range is generally recognized as being within the level of ordinary skill in the art, absent unexpected results.

See In re Rose, 105 USPQ 237 (CCPA 1995)

and In re Reven, 156 USPQ 679 (CCPA 1968).

### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kimnhung Nguyen whose telephone number (703) 308-0425.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **RICHARD A HJERPE** can be reached on (703) 305-4709.

**Any response to this action should be mailed to:**

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Commissioner of Patents and Trademarks

Washington, D. C. 20231


**Or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only).**

Hand-delivery response should be brought to: Crystal Park II, 2121 Crystal Drive,  
Arlington, VA Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to the Technology Center 2600 Customer Service Office whose telephone  
number is (703) 306-0377.

Kimnhung Nguyen  
October 23, 2004

  
REGINA LIANG  
PRIMARY EXAMINER